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AUG 11 2009

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO

2009 AUG 14 PM 2:47

JAMES BONINI, CLERK  
DAYTON, OHIO

DIVISION

U.S. DISTRICT COURT  
SOUTHERN DIST. OHIO  
WESTERN DIV. DAYTON

BRYAN FREES

(Enter Above the Name of the Plaintiff in this Action)

vs.

Pioneer Credit Recovery INC.

(Enter above the name of the Defendant in this Action)

3:09 cv0301

WALTER HERBERT RICE

If there are additional Defendants, please list them:

SHARON L. OVINGTON

ITT Technical Institute

Sallie Mae Loan Service & Data Service

U.S. Department of Education

Sallie Mae Inc.

COMPLAINT

I. Parties to the action:

Plaintiff: Place your name and address on the lines below. The address you give must be the address where the court may contact you and mail documents to you. A telephone number is required.

BRYAN ALLEN FREES  
Name - Full Name Please - PRINT

614 S. Union St.  
Street Address

TROY OHIO 45373  
City, State and Zip Code

937-451-9323 or 937-875-2512  
Telephone Number

If there are additional Plaintiffs in this suit, a separate piece of paper should be attached immediately behind this page with their full names, addresses and telephone numbers. If there are no other Plaintiffs, continue with this form.

Defendant(s):

Place the name and address of each Defendant you listed in the caption on the first page of this Complaint. This form is invalid unless each Defendant appears with full address for proper service.

1. Pioneer Credit Recovery, Inc.  
Name - Full Name Please  
26 Edwards Street Arcade, NY 14009  
Address: Street, City, State and Zip Code
2. ITT Technical Institute  
3325 Step eight Road Dayton, OHIO 45414
3. Sallie Mae Loan Service & Data Service  
1100 U.S.A. PKWY Fishers, Indiana 46037
4. U.S. Department of Education  
400 Maryland Avenue, SW Washington, D.C. 20202
5. Sallie Mae Inc.  
9900 Westpoint Dr. Indianapolis, Indiana 46037
6. \_\_\_\_\_

If there are additional Defendants, please list their names and addresses on a separate sheet of paper.

II. Subject Matter Jurisdiction

Check the box or boxes that describes your lawsuit:

- ☐ Title 28 U.S.C. § 1343(3)  
[A civil rights lawsuit alleging that Defendant(s) acting under color of State law, deprived you of a right secured by federal law or the Constitution.]
- ☒ Title 28 U.S.C. § 1331  
[A lawsuit "arising under the Constitution, laws, or treaties of the United States."]
- ☐ Title 28 U.S.C. § 1332(a)(1)  
[A lawsuit between citizens of different states where the matter in controversy exceeds \$75,000.]
- ☒ Title 20 United States Code, Section 1095a(a)(5) 1095a(b) 1078(c)(2)(A)  
[Other federal status giving the court subject matter jurisdiction.]  
15 16 92

### III. Statement of Claim

Please write as briefly as possible the facts of your case. Describe how each Defendant is involved. Include the name of all persons involved, give dates and places.

Number each claim separately. Use as much space as you need. You are not limited to the papers we give you. Attach extra sheets that deal with your statement claim immediately behind this piece of paper.

I attended ITT Technical Institute (School) from 1994 to 1995, 1 year of school. A promissory note was signed, Sallie Mae is the guarantor of the loan. Miami County Employment and Training Program (JTPA) Alyce Bell plus pell grants, helped pay for the tuition. Since this time, ITT lost all my records and are charging 4,000 dollars more for the program, plus interest. Sallie Mae is garnishing my wages, plus Pioneer Credit Recovery Inc is going to garnish my wages for the same loan. Sallie Mae has taken 4,000 dollars, in garnishment in already 16 months.

1. Violation of The Federal Fair Debt Collections Practice Act 15 U.S.C. §§ 1692 cT Seq.
2. Violation Wage garnishment Provisions of HEA, 20 U.S.C. §§ 1095a (a)(5)(b)
3. Violation OHIO Consumer Sales Practices Act 1345.02 (a)
4. Violation of Fair Credit Reporting Act.
5. Misrepresentation
6. Fraud U.S.C. § 3-305 (2) (c) O.R.C. 2305.03
7. Unjust enrichment Doctrine
8. Spoliation
9. Embezzlement
10. General Negligence
11. Intentional infliction of emotional distress (outrage)

IV. Previous lawsuits:

If you have been a Plaintiff in a lawsuit, for each lawsuit state the case number and caption.  
(Example, Case Number: 2:08-cv-728 and Caption: John Smith vs. Jane Doe).

Case Number

Caption

09CV100790 BRYON FREES vs. JEFF SCHMITT Auto Group

CVI0900885 BRYON FREES vs. ITT Technical School

\_\_\_\_\_ vs. \_\_\_\_\_

V. Relief

In this section please state (write) briefly exactly what you want the court to do for you. Make no legal argument, cite no case or statutes.

Due process for a amount on a student Loan That  
I do not owe. I want the garnishment to stop,  
seeking Damages and injunctive relief.  
Promissory note contract cancelled.

I state under penalty of perjury that the foregoing is true and correct. Executed on

this 14 day of August, 2009.

Bryon Frees  
Signature of Plaintiff

12. Breach of Contract

13. Punitive Damages (conduct)

14. Negligent hiring, retention, supervision

15. Vicarious Liability (Torts)